

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-80259

TYRONE PRATT,

HONORABLE AVERN COHN

Defendant.

**MEMORANDUM AND ORDER GRANTING DEFENDANT'S MOTION FOR REDUCTION
IN SENTENCE (Doc. 191)**

I.

This is a criminal case. Before the Court is defendant's Motion for Reduction of Sentence under 18 U.S.C. §3582(c)(2) and supplement thereto (Doc. 197). For the reasons that follow, the motion will be granted.

II.

In 2006, the Court imposed sentenced defendant to 188 months on defendant on his plea of guilty to a charge of Conspiracy to Possess With Intent to Distribute and to Distribute Over 1,000 Kilograms of Marijuana. The Rule 11 Plea Agreement, under which defendant pled guilty, called for sentencing range of 151 to 188 months.

The motion is predicated on the retroactive reduction in the applicable guideline range to 130 to 162 months. See Sentencing Guideline Amendment 782. Defendant's projected release date is currently August 11, 2018. Under the adjusted guideline range, defendant's projected release date is November 11, 2016, maximum, or November 1, 2015, minimum.

The government acknowledges that defendant meets the criteria and is qualified for a

reduction of his sentence, but argues against a reduction on the grounds of the severity of his wrongful conduct. Defendant urges reduction, pointing out:

- defendant is now 52 years old
- a defendant over 50 years of age offers special problems to the Bureau of Prisons
- defendant has taken advantage of all the rehabilitation programs the Bureau of Prisons has to offer him
- defendant has used his time in custody productively
- despite the severity of the allegations of his misconduct described by the government, defendant was not assessed "specific offense characteristics" points under the guidelines for such misconduct in the Presentence Investigation Report
- there is nothing in the record to suggest defendant would resort to a life of crime upon his release

The Court is satisfied that in the exercise of its discretion, and considering the 18 U.S.C. § 3553 factors, defendant is entitled to a reduction of his sentence to 162 months. Not to reduce defendant's sentence would be the functional equivalent of an upward variance.

III.

Accordingly, the Court, in the exercise of its discretion, GRANTS defendant's motion for reduction in sentence. Defendant is sentenced to a custody term of 162 months. All other conditions of defendant's sentence continue. The Clerk shall enter an amended judgment.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 24, 2015
Detroit, Michigan